REMARKS

Applicant submits this Response in response to the Office Action mailed September 28, 2005. Applicant has amended claim 26. Claims 20-41 remain pending. No new matter has been added.

Applicant thanks the Examiner for the indication in paragraph 1 of the Office Action that declaration filed under 37 C.F.R. § 1.131 is sufficient to overcome the previously cited Farris reference. Applicant further thanks the Examiner for the indications in paragraphs 4-5 of the Office Action that claims 20-25 and 39-41 are allowed, and claims 27-29, 31, 32 and 34-38 would be allowable if rewritten in independent form.

In paragraphs 2-3 of the Office Action, the Examiner has rejected claims 26, 30 and 33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,809,128 to McMullin ("McMullin"). Applicant respectfully traverses these rejections, and requests that the Examiner reconsider the rejections based on the following.[1]

McMullin describes a system/method that allows for "automatic redirection of an incoming voice telephone call from a caller" when the called party is using its telephone link to connect to a computer network. (McMullin, Abstract.) In the system described by McMullin, a "called party proxy 38" is connected to both the PSTN (via an "Interactive Voice Response System (IVRS) 14") and a "Data Network" (via a "Data Host 16"). (Id., Fig. 2.) When a subscriber establishes a dial-up connection with an Internet service provider (referred to in McMullin as a Data Communications Service or DCS), the subscriber sends a message to the called party proxy via the DCS indicating that the subscriber is online. (Id., col 6, lines 45-50.) If a calling party attempts to call the subscriber while the dial-up connection is established, the call is routed to the IVRS of the called party proxy (via the PSTN), and any DNIS or ANI information is also

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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions made by the Examiner (e.g., as to dependent claims) or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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provided to the IVRS (also via the PSTN). (Id., col. 6, line 60 to col. 7, line 3.) If the called party proxy determines that the called party is a subscriber to the service and is online, the IVRS accepts the call from the PSTN and the proxy sends a message over the Data Network to the subscriber computer, which may include the ANI information. (Id., col. 7, lines 3-49.) The subscriber may then provide an "identifier" back to the proxy (via the Data Network), which may instruct the proxy to play an audio message for the caller or route the call to a voice mail or another PSTN destination number. (Id., col. 7 line 50 to col. 8, line 4.)

Applicant notes that the system and method described in McMullin are not described as using both the PSTN and a packet-switched network to transport a voice call. In fact, McMullin merely describes receiving ANI information of a calling party from the PSTN at a proxy system and sending the ANI information from the proxy system over a data network to a computer of the called party. The called party may select a number of options for handling the call, but the call is not transported over the data network.

In contrast to McMullin, claim 26 recites:

> Apparatus for use in a telecommunications system having a plurality of diverse paths available for transporting a voice call, one of said paths traversing at least a public switched telephone network (PSTN) having a local line to a subscriber receiving the voice call and a packet-switched data communication network, said apparatus comprising:
> a server comprising an interface for connection to the packet-switched data communication network, an interface for voice-call connection with the PSTN, and means for providing calling party identification information for a calling party to the PSTN based on calling party identification information received via the packet-switched data communication network;
> wherein the calling party identification information is received by the server via a path through the packet-switched data communication network and is conveyed by the server to the called subscriber line via the PSTN upon routing of the voice call to the subscriber line.

McMullin neither teaches or suggests this apparatus. For example, McMullin does not describe a server "wherein the calling party identification information is received by the server via a path through the packet-switched data communication network and is conveyed by the server to the called subscriber line via the PSTN upon routing of the voice call to the subscriber line," as

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recited in claim 26. As noted above, McMullin merely describes receiving ANI information of a calling party from the PSTN at a proxy system and sending the ANI information from the proxy system over a data network to a computer of the called party. McMullin does not describe receiving calling party identification information via a packet-switched data communication network and conveying the calling party identification information via the PSTN upon routing of the voice call to the subscriber line. Absent such a description, McMullin cannot anticipate claim 26, and Applicant thus respectfully requests that the Examiner withdraw the rejection of claim 26.

In further contrast to McMullin, claim 30 recites:

> A method for providing caller identification information for a voice call,
> > originating from a remote calling subscriber device, to a called telephone
> > subscriber line comprising the steps of:
> routing an initial voice call, originated by a calling party at the remote calling
> > subscriber device, through a packet switched data network to a gateway
> > that interfaces between the packet switched data network and a public
> > switched telephone network (PSTN);
> in response to said routing step, placing a subsequent telephone call from the
> > gateway through the PSTN to the called subscriber line;
> linking the initial voice call at the gateway with the subsequent telephone call;
> > and transporting originating calling party identification information from
> > the gateway through the PSTN to the called subscriber line while the
> > called subscriber line is in an on-hook condition.

McMullin neither teaches nor suggests the method of claim 30. For example, McMullin does not describe "routing an initial voice call, originated by a calling party at the remote calling subscriber device, through a packet switched data network to a gateway that interfaces between the packet switched data network and a public switched telephone network (PSTN)," as recited in claim 30. As noted above, McMullin merely describes receiving ANI information of a calling party from the PSTN at a proxy system and sending the ANI information from the proxy system over a data network to a computer of the called party. McMullin does not describe routing a voice call through a packet switched data network, much less to a gateway that interfaces between the packet switched data network and the PSTN. In the rejection, the Examiner has cited to the portion of McMullin which describes the sending of a message to a subscriber computer containing the calling party ANI information as describing this claim element.

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However, such message does not constitute routing a voice call through a packet switched data network as recited in claim 30.

Likewise, McMullin does not describe "placing a subsequent telephone call from the gateway through the PSTN to the called subscriber line" in response to the routing step, or "linking the initial voice call at the gateway with the subsequent telephone call; and transporting originating calling party identification information from the gateway through the PSTN to the called subscriber line while the called subscriber line is in an on-hook condition," as recited in claim 30. The Examiner asserts that these elements are taught by the display of the ANI information at the subscriber computer, selection of call processing options and the transmission of the identifier associated with the call processing option to the proxy. (McMullin, col. 7, lines 43-67.) Applicant disagrees. Nowhere in the cited portions of McMullin is a telephone call placed from a gateway through the PSTN to called subscriber line – in fact, McMullin specifically teaches that telephone calls to the called subscribers telephone line are not routed to that line when the is busy due to a connection to a DCS. The claimed linking step is likewise not described without the associated initial voice call and subsequent PSTN telephone call.

As McMullin does not describe every element of claim 30, McMullin cannot anticipate claim 30, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 30.

In further contrast to McMullin, claim 33 recites:

> A method for providing caller identification information for a voice call,
> originating from a remote calling subscriber device, to a called telephone
> subscriber line comprising the steps of:
> receiving a voice call intended for the called telephone subscriber line, originated
> by a calling party at the remote calling subscriber device through a packet
> switched data network, handed-off from a gateway that interfaces between
> the packet switched data network and a public switched telephone network
> (PSTN);
> initiating routing of a telephone call through the PSTN to the called telephone
> subscriber line for use in completing the voice call to the called telephone
> subscriber line;
> receiving a signaling message containing originating caller identification
> information from the gateway; and

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transporting the originating caller identification information through the PSTN to
the called telephone subscriber line while routing the telephone call
through the PSTN.

McMullin neither teaches nor suggests the method of claim 30. For example, McMullin does not
describe "receiving a voice call intended for the called telephone subscriber line, originated by a
calling party at the remote calling subscriber device through a packet switched data network,
handed-off from a gateway that interfaces between the packet switched data network and a
public switched telephone network (PSTN)," as recited in claim 33. As noted above for claim
30, McMullin does not describe a voice call received from a packet switched data network, much
less from a gateway that interfaces between the packet switched data network and the PSTN.
Likewise, McMullin does not describe "initiating routing of a telephone call through the PSTN
to the called telephone subscriber line for use in completing the voice call to the called telephone
subscriber line," or " receiving a signaling message containing originating caller identification
information from the gateway," as recited in claim 33, as no voice calls received from the packet
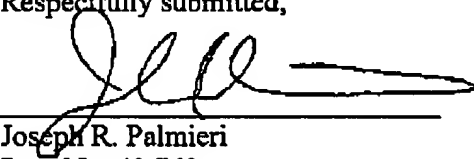switched data network are described in McMullin.

As McMullin does not describe every element of claim 33, McMullin cannot anticipate claim 33,
and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim
33.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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